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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,046	12/21/1999	DIDIER GIROIR	FR9-99-036	4456

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2153

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4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/469,046

Applicant(s)

GIROIR ET AL.

Examiner

Hassan Phillips

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/469,046.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Drawings

The drawings are objected to because reference numeral 406, referred to on page 6, line 10, is not in Figure 4 of the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "web browser" in line 3, and claim 12 recites the limitation "web browser" in line 2. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8-13,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggins et al U.S. Patent 6,131,116, and further in view of Butts et al U.S. Patent 6,233,543.

Regarding claim 1, Riggins et al discloses a workstation system for selecting an application and launching a client in an Internet protocol network comprising:

- a) means for selecting a service (i.e. application), (column 3 lines 18-21);
- b) means for downloading a kernel applet from a kernel applet repository (column 3 lines 49-54, also see Figure 1);
- c) means for downloading by means of said kernel applet, configuration data (column 1 lines 62-67 and column 2 lines 1-7);
- d) configuration data including necessary access parameters for accessing a selected application (column 5 lines 39-47);
- e) means for accessing configuration data from a repository (column 3 lines 30-33, also see Figure 1);
- f) means for locally selecting an application by means of a selection screen and an application selection processor (column 6 lines 25-31);
- g) a kernel applet comprising means for accessing from said workstation an application selection processor repository, and a selection screen repository, and the downloading of said selection processor and selection screen by means of said kernel applet (column 6 lines 50-60).

Although the disclosed system of Riggins et al shows substantial features of the claimed invention, it fails to disclose:

- a) determining a client for accessing a selected application.

Nevertheless, in a similar field of endeavor, Butts et al discloses a workstation system for selecting an application and launching a client in an Internet protocol network comprising:

- a) an applet provided to a user in an Internet protocol network, which accesses applications in networks of varying protocols (column 5, lines 18-30).

Although not explicitly stated, it is inherent that such an applet is a client applet, which launches within a users workstation. It is noted that the user determines a client for accessing a selected application by providing a uniform resource locator for a system containing the selected application (column 4 lines 15-17).

Given the teachings of Butts et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al with Butts et al in order to download by means of a kernel applet, a client applet, and launching said client applet within the workstation. The motivation for doing so would have been to simplify the process of accessing applications in specialized networks with varying protocols.

Regarding claim 2, Butts et al teaches that the user can select the uniform resource locator of a host system via a web browser package and transparently receive

applet code which is executed and invokes an appropriate terminal session (column 5 lines 25-30). Butts et al also teaches that the terminal session data flow is established in accordance with a protocol that permits the applet process to communicate with the host system. Although not explicitly stated, it is inherent that a user chooses a preferred client by selecting the uniform resource locator of the host system.

Regarding claim 8, Riggins et al discloses downloading by means of said kernel applet a client flat file. It is well known in the art that a client flat file would be downloaded in the same manner whether the client is truly resident or not.

Regarding claim 9, Riggins et al teaches a single web server which contains a plurality of repositories (Figure 1), which include a kernel applet repository, an application selection repository, and a selection screen repository. Although not explicitly stated, it would have been obvious that, if needed, the web server disclosed by Riggins et al would comprise a client repository as well.

Regarding claim 10, Riggins et al teaches accessing the repositories through a browser (column 1 lines 49-52).

Regarding claim 11, Riggins et al teaches a means for accessing the kernel applet repository in the web browser (column 4 lines 13-17).

Regarding claim 12, Riggins et al teaches a workstation system comprising:

- a) a kernel applet coded in Java language;
- b) a Java enabled web browser accessing the kernel applet repository
(column 3 lines 8-10).

Although the disclosed system of Riggins et al shows substantial features of the claimed invention, it fails to explicitly teach:

- a) a client applet coded in Java.

Nevertheless, in a similar field of endeavor, Butts et al teaches:

- a) a client applet coded in Java language;
- b) a Java enabled web browser accessing the client applet repository
(column 4 lines 46-49).

Given the teachings of Butts et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al with Butts et al in order to have a kernel applet in Java language, and to download by means of said kernel applet a client applet coded in Java language. The motivation for doing so would have been to simplify the process of accessing applications in specialized networks with varying protocols.

Regarding claim 13, Butts et al teaches selecting a systems network architecture application (column 2 lines 35-37, and column 3 lines 25-28). Although it is not explicitly disclosed, it is obvious, if not inherent, that the client is a Telnet 3270 client and the

application is accessed through a Telnet 3270 server (see Figure 1, Figure 3, and Figure 4).

Regarding claim 15, Riggins et al teaches a workstation system comprising:

- a) means for downloading a kernel applet from a web server (column 3 lines 49-54, also see Figure 1);
- b) means for downloading from a web server, configuration data (column 1 lines 62-67 and column 2 lines 1-7);
- c) means for accessing configuration data from a repository (column 3 lines 30-33, also see Figure 1);
- d) a kernel applet comprising means for accessing from said workstation an application selection processor repository, and a selection screen repository;
- e) means for downloading said selection processor and selection screen by means of said kernel applet from a web server (column 6 lines 50-60).

Although the disclosed system of Riggins et al shows substantial features of the claimed invention, it fails to explicitly teach:

- a) downloading a client.

Nevertheless, in a similar field of endeavor, Butts et al. teaches a workstation system comprising:

- a) an applet in an Internet protocol network, provided to a users workstation by means of a web server (column 5 lines 18-30).

Given the teachings of Butts et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al with Butts et al in order to download by means of a kernel applet, a client applet located on a web server.

The motivation for doing so would have been to simplify the process of accessing applications in specialized networks with varying protocols.

Claims 3-7,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riggins et al in view of Butts et al, as applied to claim 1 above, and further in view of Kullick et al U.S. Patent 5,732,275.

Regarding claims 3-5, although the disclosed systems of Riggins et al, and Butts et al, shows substantial features of the claimed inventions, they fail to disclose:

- a) downloading a kernel applet after determining whether said applet is locally available, or if the kernel applet in the kernel applet repository is not the same.
- b) downloading a selection processor after determining whether said selection processor is locally available, or if the selection processor in the selection processor repository is not the same.
- c) downloading a selection screen after determining whether said selection screen is locally available, or if the selection screen in the selection screen repository is not the same.

Nevertheless, in a similar field of endeavor, Kullick et al discloses a software management program associated with an application (i.e. kernel applet/selection processor/selection screen) that comprises:

- a) means for determining whether multiple versions of an application are resident (column 3 lines 65-67 and column 4 lines 1-2);
- b) means for attempting to locate the newest version of an application and download it from a shared memory area (repository) to the client computer if the application is not locally available (column 4 lines 20-36);
- c) means for checking the repository to determine whether an upgrade is present if the application is locally available (column 4 lines 5-9);
- d) means for downloading a copy of the most recent version of the application to the client computer if the version of the application stored in shared memory is more recent than the version stored locally (column 4 lines 5-11).

Given the teachings of Kullick et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al, and Butts et al, with Kullick et al, in order to use the software management program disclosed by Kullick et al to manage the downloading of the kernel applet, selection processor and selection screen disclosed by Riggins et al. The motivation for doing so would have been to shield users from the complexities of downloading multiple kernel applets, selection processors, and selection screens.

Regarding claim 6, Butts et al disclose a workstation system having:

- a) a Java applet which accesses applications in networks of varying protocols (column 4 lines 46-49, and column 5 lines 18-30);
- b) means for replacing a local on-demand client if the on-demand client in the on-demand client repository is not the same (column 5 lines 11-16).

Although the disclosed systems of Riggins et al, and Butts et al, shows substantial features of the claimed invention, they fail to disclose:

- a) downloading an on-demand client after determining whether said on-demand client is locally available or not.

It is well known in the art that an on-demand client is an application itself. Therefore, it would have been obvious to use the software management program disclosed by Kullick et al to:

- a) determine whether an on-demand client is locally available or not;
- b) use the software management program to download said on-demand client from an on-demand client repository if the on-demand client is not locally available;
- c) use the software management program to determine whether said local on-demand client and the on-demand client in the on-demand client repository are the same or not, if the on-demand client is locally available.

Given the teachings of Kullick et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al, and Butts et al, with Kullick et al, in order to use the software management

program disclosed by Kullick et al to manage the downloading of the on-demand client disclosed by Butts et al. The motivation for doing so would have been to shield users from the complexities of downloading multiple on-demand clients.

Regarding claim 7, Riggins et al teaches a workstation system that:

- a) downloads on-demand configuration data (column 1 lines 62-67, column 2 lines 1-7, and column 3 lines 8-10).

Although the disclosed systems of Riggins et al, and Butts et al, shows substantial features of the claimed invention, they fail to disclose:

- a) downloading an on-demand flat file after determining whether said on-demand flat file is locally available, or if the on-demand flat file in the on-demand client repository is not the same.

It is well known in the art that an on-demand flat file is a Java software file. Therefore, it would have been obvious to use the software management program disclosed by Kullick et al to:

- a) determine whether an on-demand flat file is locally available or not;
- b) download said on-demand flat file from a on-demand client repository if the on-demand flat file is not locally available;
- c) determine whether said local on-demand flat file and the on-demand flat file in the on-demand client repository are the same or not, if the on-demand flat file is locally available;

- d) replace the local on-demand flat file by the on-demand flat file in the on-demand client repository if the local on-demand flat file and the on-demand flat file in the on-demand client repository are not the same.

Given the teachings of Kullick et al, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Riggins et al, and Butts et al, with Kullick et al, in order to use the software management program disclosed by Kullick et al to manage the downloading of the on-demand flat file disclosed by Riggins et al. The motivation for doing so would have been to shield users from the complexities of downloading on-demand flat files.

In considering claim 14, at the time of the invention, it would have been obvious to a person of ordinary skill in the art, that the combined system disclosed by Riggins and Butts et al. comprise means adapted for carrying out the method according to any one of claims 1,2 and 8-13. Also, it would have been obvious to a person having ordinary skill in the art, that the combined teachings of Riggins, Butts and Kullick et al comprise means adapted for carrying out the method according to anyone of claims 3-7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Riggins et al U.S. Patent No. 6,131,116 discloses a method in a workstation for globally accessing an application.

Butts et al U.S. Patent No. 6,233,543 discloses launching a client in an Internet protocol network.

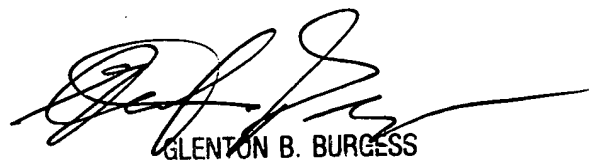
Kullick et al U.S. Patent No. 5,732,275 discloses automatically updating software programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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10/01/03



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